

REALITY CHECK

By Doug Fine

Since 1991, a young

high-security prison.

FBI computer codes

computer genius has languished without trial in a

Here's how a wiseass prankster allegedly vaulted

and roused the government's fear of a hacker planet.

I ask accused hacker Kevin Lee Poulsen if, as he approaches three years in jail without trial, he has any regrets about his computer-related activities. Without missing a beat, and breaking a media silence that began with his first arrest in 1988, he answers: "I regret shopping at Hughes Supermarket. I'm thinking of organizing a high-tech boycott."

Poulsen is referring to the site of his 1991 bust in Van Nuys, California. There, between the aisles of foodstuffs, two zealous bag-boys—their resolve boosted by a recent episode of *Unsolved Mysteries* that featured the alleged criminal—jumped the 25-year-old, wrestled him to the ground, and handed the suspect over to the security agents waiting outside.

Poulsen still kicks himself for returning to Hughes a second time that spring evening. According to court documents, a former hacker crony of Poulsen's, threatened with his own prison sentence, had tipped off the FBI that Poulsen might be stopping by.

What, I ask him, had he needed so badly that he felt compelled to return to a supermarket at midnight?

"Do you even have to ask?" he says. "Condoms, of course."

The FBI and California's Pacific Bell feel pretty sure that on that evening, April 11, 1991, they put a stop to one of the most insidious and "un-American" computer hacker sprees in the history of the Virtual Frontier. The press has been quick to join in the bashing, dubbing Poulsen everything from a "Communist hacker" to "proof of the dark side of cyberspace."

There is no doubt that Poulsen's hacking has been, at least temporarily, halted. But the question is why the federal authorities pursued such extravagant charges against Poulsen, and held him so long without trial. Many people outside the mainstream

press and the security establishment believe that Poulsen's alleged crimes are more humorous than insidious, and none of the other hackers sentenced in a recent spree of 36 federal prosecutions received prison terms of more than 21 months.

"I see it as a delineation between trespass, burglary, and arson," says Marc Rotenberg of the organization Computer Professionals for Social Responsibility (CPSR). "To treat all of those as the same under the computer crimes statutes strikes me as wrong."

"[Poulsen] knows how to access some really serious things," says a former friend. "That's what scares the government. It's like, if you can access the phone lines, I'm not kidding, you can access anything. You can move \$1 million from one bank account to another. What he actually did is the tip of the iceberg, which I think is a testament to Kevin's ethics. He knew exactly what he was capable of. If the government was only aware, they'd be thanking him instead of incarcerating him."

But the Justice Department is not in a congratulatory mood. In the third reworking of the U.S. Attorney's indictment, handed down on October 6, they have accused Poulsen of 33 counts of criminal conduct, which could put him behind bars for as long as 100 years. On top of that, if Poulsen is convicted, the government plans to bill him some \$5 million for illicit programming, conspiracy, defrauding Pacific Bell, and for conducting illegal interstate commerce. And finally, in a precedent-setting move, the feds are charging Poulsen, who allegedly used his skills to obtain such sensitive national security information as the phone number of *War Games* actress Ally Sheedy, with espionage. If that charge alone sticks, Poulsen is looking at up to 18 years in prison. In the meantime, the five-foot-seven-inch, ex-Silicon Valley assistant programmer sits in maximum-



Kevin Lee Poulsen, alleged computer hacker, has been indicted on 33 counts that could keep him behind bars for 100 years.

security prison without bail, wondering when, if ever, his trial is going to start.

"You definitely feel like there's more to it than just the Justice Department trying to pursue a hacker case," says Poulsen. "It seems to me that public opinion follows the lead of the Justice Department. Hacking, as you know, started as an acceptable rite of passage in the industry. It is now considerably less acceptable. I think the powers that be want it not only to be unacceptable, but to carry the same kind of stigma that communism once did. Punishable as treason."

The main bout of Poulsen's allegedly criminal cracking took place from a computer in his Menlo Park apartment between 1986 and 1988. This was a system of terminals, monitors, modems and allegedly stolen Pac Bell equipment (including a public pay phone), so sophisticated that a sign gracing the entrance identified it as the "Switchroom."

Since the age of 19, Poulsen had been working at